IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 7849 of 2004

Between:

1 S. Raghunath, S/o. Hanumantha Rao, Hindu,
Rayalaseema Farmers Service Cooperative Society Ltd., Pedda Harivanam, Adoni Mandal, Kurnool District.
2 N. C. Sarma, S/o. Kesava Sarma,
Rayalaseema Farmers Service Cooperative Society Ltd., Pedda Harivanam, Adoni Mandal, Kurnool District.
3 P. Ramakrishna Reddy, S/o. Narasi Reddy, Hindu,
Rayalaseema Farmers Service Cooperative Society Ltd., Pedda Harivanam, Adoni Mandal, Kurnool District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, Cooperation Department,
Secretariat Buildings, Hyderabad.
2 The Rayalaseema Grameena Bank, kadapa, Rep. by its General Manager,
Kadapa District.
3 The Rayalaseema Farmers Service Cooperative Society Ltd., Pedda Harivanam, Adoni Mandal,
Kurnool District, Rep. by its Managing Director.
4 The Divisional Cooperative Officer, Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not paying salary from the month of February 2004 to the petitioners and also in not granting Dearness Allowance and also in not paying the exgratia from the year 2002-2003 though the

3rd respondent Society is in profits as illegal, arbitrary, dilatory, discriminative, biased and against Section 116C of A.P. Cooperative Societies Act 1964 and consequently direct the respondents to pay the salary to the petitioners from month of Februay 2004 and also to pay dearness allowance besides exgratia from the year 2002-2003 and to direct the 2nd respondent bank to pay the salary of the Managing Director of the 3rd respondent society from the funds of the 2nd respondent Bank.

Counsel for the Petitioner:MR.L.J.VEERA REDDY

Counsel for the Respondent Nos.1 & 4: GP FOR COOPERATION

Counsel for respondent No.2: Mr.K.Srinivasa Murthy.

The Court made the following :

O R D E R:

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The petitioners 1 to 3 who are working as Accountant, Field Inspector & Clerk respectively in the 3rd respondent-Rayalaseema Farmers Service Cooperative Society Limited, Pedda Harivanam, Kurnool District filed this writ petition stating that they are not being paid salaries from the month of February 2004.

The learned counsel for the petitioners submits that as per the provisions under Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964, the employees of the society can be paid wages not exceeding 2% of working capital or 30% of gross profits, in terms of action in a year, whichever is less. If the 3rd respondent Society is running in profits, there cannot be any objection for the respondents to pay the salaries to the petitioners in terms of Sec.116-C of A.P.C.S.Act, 1964.

Admittedly, the 3rd respondent Society is not a State, which comes within the meaning of Article 12 of the Constitution of India, amenable to the writ jurisdiction. On an earlier occasion this Court in W.P.No.3171 of 2003 and batch, dated 31.08.2004 held that the writ petition is not maintainable against the Primary Agricultural Co-operative Society, which is not a State within the meaning of Article 12 of the Constitution of India amenable to the writ jurisdiction of this Court.

In view of the above, the writ petition is dismissed, with a liberty to the petitioners to seek appropriate remedies. No costs.

07.09.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Government of Andhra Pradesh, Cooperation Department, Secretariat Buildings, Hyderabad.

2. The General manager, Rayalaseema Grameena Bank, Kadapa, Kadapa District.

3. The Managing Director, the Rayalaseema Farmers Service Cooperative Society, Hyderabad, Pedda Harivanam, Adoni Mandal, Kurnool District.

4. The Divisional Cooperative Officer, Adoni, Kurnool District.

5. 2CCs to the G.P.for Co-operation, High Court of A.P., Hyderabad.

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